

Applicant has, in this response, amended claim 9 to delete the underlined commas after “microspheres” and “encapsulants” and replaced them with non-underlined commas to correct the informality objected to in the Office Action. Applicant has also, in this response, amended claim 11 to include the word “or” before “more resins” to correct the informality objected to in the Office Action. In addition, applicant has amended claim 11 to include the word “or” before “more tissue compatible” to correct a typographical error.

Applicant respectfully believes that amended claims 9 and 11 are allowable. Applicant respectfully requests reconsideration by the Examiner, withdrawal of claim objections, and advancement of the claims to Allowance.

### ***Double Patenting***

Claims 1-20 were provisionally rejected under the judicial Doctrine of Obviousness-Type Double Patenting in light of claims 1-20 of U.S. Patent Application No. 09/990,611.

The official Office Action provides that a timely filed Terminal Disclaimer pursuant to 37 C.F.R. § 1.321(c) may be used to overcome a provisional rejection based on non-statutory double patenting. Accordingly, Applicant submits herewith a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c).

Applicant respectfully believes that claims 1-20 are now allowable. Applicant respectfully requests reconsideration by the Examiner, withdrawal of claim rejections, and advancement of the claims to Allowance.

### **CONCLUSION**

The present paper constitutes a complete response to the Office Action mailed on July 3, 2002. Applicant respectfully requests that the amendment and remarks herein be considered to a favorable conclusion of the case.

Applicant believes that the case is in condition for allowance and earnestly requests a Notice of Allowance at the earliest possible time. No fees are believed due with this response with the exception of those required for filing a Terminal Disclaimer. Should the Examiner have any questions, comments or suggestions that would expedite the prosecution

of the present case to Allowance, Applicant's undersigned representative earnestly requests a telephone conference.

Dated: September 6, 2002

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lorraine Faxon Meisner

Serial No.: 09/997,663

Filed: November 29, 2001

For: COMPOSITIONS AND METHODS FOR THE TREATMENT OF SKIN

Examiner: Frank Choi

Art Group: 1616

MARKED-UP CORRECTIONS IN ACCORDANCE WITH RULE 1.121

[TWICE AMENDED] 9. The composition of claim 1, wherein the composition is in the form of a serum, a lotion, an ointment, a cream, a gel, a foam, an emollient, microspheres[,], encapsulants[,], time-release encapsulants, a patch, a transdermal patch, a shampoo, a skin or hair conditioner, a pomade, a spray or aerosol, a water-based solution, an oil/water emulsification, an unguent, a salve, a soap, a wax, a paraffin, a gum, a tonic, an elixir, an embrocation, a lenitive, a liniment, a medicament, a balm, a balsam, a palliative, or any combination of administration forms suitable for topical application on the skin.

[TWICE AMENDED] 11. The composition of claim 1, wherein the composition further comprises one or more ingredients selected from the group consisting of (a) one or more non-toxic zinc salts, (b) one or more tyrosine compounds, (c) one or more antibacterial agents, (d) one or more dyes, (e) one or more fragrances, (f) one or more surfactants, (g) one or more thickeners, (h) one or more antioxidants, (i) one or more pharmaceutically acceptable carriers, (j) one or more tissue compatible vehicles, (k) one or more humectants, (l) one or more moisturizers, (m) one or more polymers, (n) one or more cross-linking agents, (o) one or more waxes, (p) one or more resins, and (q) any combination of (a) – (p).